

The resolution of Senator Swain, offered several days since, with regard to the duty of the Legislature under the terms of the constitution and the democratic platform, with regard to free schools, etc.," was taken up—the amendment of Senator Burnett to insert the words "republican and greenback" in the second division of the preamble pending.

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Burton, Edwards, Lane, Lair, Ledbetter, Motley, Ripetoe, Terrell.

The sergeant-at-arms was dispatched for absentees.

On motion of Senator Duncan, the Senate adjourned until 9 o'clock A. M. to-morrow.

### NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 19, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Moore, the reading of the journals of yesterday was dispensed with and the same adopted.

A message was received from the House announcing the passage of House bill No. 10, entitled "An act to provide for the prompt accounting for and payment of public moneys by tax collectors to the proper receiving officers," and House bill No. 14, entitled "An act supplementary to 'an act to establish a state normal school,'" approved April 21, 1879.

Senator Ledbetter, chairman of the committee on education, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 18, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on education, to whom was referred Senate bill No. 2, "An act to make an appropriation for the establishment and maintenance of the public free schools of the state, for the years ending August 31, 1880 and 1881," have had the same under consideration, and I am instructed by a majority of said committee to report the bill back to the Senate with the recommendation that it do not pass, for the following reasons, to wit: The bill proposes to appropriate one-fourth of the ad valorem taxes, one-fourth of the occupation taxes, and the interest on the permanent school fund, the one dollar poll tax, and the interest derivable from the sales of land set apart for the permanent school fund, which amounts, in the opinion of a majority of the committee, are largely in excess of the amount that can be safely appropriated out of the revenue of the state at this time, and at the same time carry on an efficient state government. The majority are not unmindful of the fact that the constitution requires the Legislature to establish and make suitable provision for the support and maintenance of an efficient system of public free schools, but they say that it was certainly not the intention of the framers of the constitution that the free schools should be carried on in such an expensive manner, when the financial condition of the state is such that a constant annual deficiency has occurred of some \$200,000, or more, ever

since the one-fourth of the revenue has been set apart to the public free schools, and we sincerely believe our public debt will continue to increase yearly unless the appropriations for free schools be decreased. We are in favor of public free schools, and we believe our people are in favor of free schools, but at the same time we are constrained to the opinion that the people desire that the public debt shall not be increased, that their judges, district and county attorneys, sheriffs, clerks and other officers who administer the government and protect life and property shall be promptly paid when their salaries and fees become due, and last but not least, that the state government shall be administered within its revenue, and that we pay as we go. In 1870 our bonded debt was about \$125,000, now it may be estimated at \$5,500,000, an increase of nearly \$700,000 a year. This should admonish us that the appropriation for free schools should be diminished and that they should not be extravagantly fostered, while the officers of the state remain unpaid, and the public debt constantly increasing. With a prospect of almost a total failure of crops in most of the state, is another reason why we think the bill should not pass, as it would compel an increase of taxation that the people will be ill prepared to pay. Other appropriations have been cut down, and we see no good reason why the appropriations for free schools should not also be diminished. The state now pays nearly one-fourth of her revenue as interest on her public debt, and as much as we regret to see the appropriations to the free schools cut down, yet we believe it best to do so for the present, that the public debt may be decreased, or, at best, that it shall not be increased.

LEDBETTER, *Chairman*.

Senator Houston submitted the following minority report on the same bill:

COMMITTEE ROOM, AUSTIN, June 18, 1879.

*Hon. J. D. Sayers, President of the Senate :*

A minority of your committee on education, to whom was referred Senate bill No. 2, entitled "An act to make an appropriation for the establishment and maintenance of the public free schools of the state, for the years ending August 31, 1880 and 1881," do not concur in the adverse report made by the majority of your committee, and ask leave to submit this as a minority report, setting forth the following as some of their reasons why said bill should pass:

1. The constitution requires the Legislature to establish and make suitable provision for the support and maintenance of an efficient system of public free schools, and the laws, made in pursuance thereof, set apart that portion of the public revenue sought to be appropriated by the bill under consideration, as the available school fund which is under the provisions of said laws sacred to that purpose, and cannot be used as general revenue, even though this appropriation should not be made.

2. This minority join issue with the majority on the proposition that the amount sought to be appropriated is in excess of what can safely be appropriated at this time out of the public revenue, and we assert that no deficiency will be created by making this appropriation, and that if any deficiency in the revenue shall appear in the next two years, it will be only of a small amount, and will be occasioned by the extra expense incurred by the present called session of the Legislature and the failure to redeem the outstanding high rate of interest bonds by the sale of five per cents, and not because the revenues are insufficient to justify this

appropriation and at the same time to pay all obligations of the state as they may become due.

3. In support of the above proposition we respectfully call attention to the official report of the comptroller of the state, made in answer to questions propounded by the Senate at the present session, by which it is shown:

Total revenue from June 11, 1879, to August 31, 1880.....	\$2,620,586
Deduct school appropriations.....	117,972

Total state revenue.....	\$2,502,614
Disbursements to August 31, 1880.....	2,581,151

Deficiency August 31, 1880.....	\$78,537
---------------------------------	----------

Which deficiency, however, estimates the interest on public debt at \$400,000, while in fact it is \$31,633 30 less than that amount, which reduces the above deficiency to \$46,904 70 as the true deficiency, which is less than the estimated cost of the present session of the Legislature, to say nothing of the deduction which should be made of excess of sinking fund, which is \$21,760.

The estimate made from September 1, 1880, allowing \$78,537 deficiency at that time, to August 31, 1881, shows an excess in the revenue of \$370,511. Hence we can not by flippantly appealing to an expression which has long been the cry of the demagogue, justify any action which will destroy one of the sacred institutions of the constitution—public free schools. We do not deem it necessary to do more in this report, than answer the position taken in the majority report, that the financial condition of the state does not justify this appropriation, and this we believe we have done and that we have shown not only our desire “to pay as we go,” but also our ability to do so and at the same time make this appropriation. To answer the general reasons set forth by the majority to excuse themselves for their position in opposition to public education, is, we think, entirely unnecessary at this time. We therefore recommend that this be adopted in lieu of the majority report, and that the bill do pass.

Respectfully submitted,

HOUSTON,  
BURNETT,  
STEWART,  
PATTON,  
MOTLEY,  
BURTON.

Senator Terrell gave notice of entering on the journals his reasons for favoring the majority report just submitted.

The president took up and referred the following House bills, just reported from same body, to appropriate committees:

House bill No. 10 to committee on finance;

House bill No. 11 to committee on judicial districts;

House bill No. 14 to committee on education.

Senator Ledbetter, chairman of committee on education, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 18, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on education, to whom was referred Senate bill No. 5,

"An act to amend article 3704, title 94, chapter 1 of 'an act to adopt and establish the Revised Statutes of the State of Texas,'" approved February 21, 1879, have had the same under consideration, and I am instructed by a majority of the committee to report the accompanying bill as a substitute for said bill, and to recommend that the substitute do pass.

LEDBETTER, *Chairman.*

Senator Patton submitted the following minority report:

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate:*

A minority of your committee on educational affairs respectfully report that Senate bill No. 5, entitled "An act to amend article 3704, and chapter 1, title 95 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," contains more than one subject, viz: "An act to amend the clause of the Revised Civil Statutes, setting aside a portion of the revenue for public free schools;" and also "An act repealing the tax law in so far as it levies any part of the revenue for school purposes;" and they submit that said bill not being a general appropriation bill, is unconstitutional.

The minority of your committee further show that the state constitution, article 7, section 1, declares that "a general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the state to establish and make suitable provision for the support and maintenance of an efficient system of public free schools," and in article 7, section 3, that "there shall be set apart annually not more than one-fourth of the general revenue of the state, and a poll tax of one dollar on all male inhabitants in this state between the ages of twenty-one and sixty years, for the benefit of the public free schools."

And your minority assert that the article first recited makes it imperative upon "the Legislature of the state to establish and make suitable provision for the support and maintenance of an efficient system of public free schools," to the extent of the specific limitation of their power in section 3, viz: to the appropriation of the one dollar poll tax and one-fourth of the general revenue, unless a less amount will accomplish the purpose declared, viz: the support and maintenance of an efficient system of public free schools.

There is no difference of opinion as to the fact that the one-fourth of the revenue is scarcely adequate to the purpose. Again, the report of the comptroller of public accounts has shown in an elaborate and carefully prepared statement, in answer to interrogatories propounded by the Senate, that at the end of the second fiscal year of this administration, viz: March 1, 1881, after having made the lowest possible estimate of the revenue, and charged against it all of the appropriations for current expenses, and every dollar of the deficiency and floating indebtedness of the state, including all of the deficiency in the sinking fund, and deducting the one-fourth for public free schools, that there will then be a balance in the state treasury of \$169,712 to the credit of the revenue for the ensuing fiscal year. This estimate, not made to embrace any new source of revenue, from which all are agreed there will be derived at least some additional revenue; considering, in addition to these truths, the additional fact which the comptroller's report shows, viz: that at the present rate of taxation the deficiency in the revenue was diminished

under the preceding administration; all of which facts are derived from the only authentic source of information on these subjects, to wit: the office of the comptroller of public accounts.

We are convinced that no unbiased mind, pursuing truth only as an objective point, however carefully deficiency may be avoided or feared, can fail to arrive at the conclusion that we are amply able to maintain the public free schools upon their present basis. Hence, we conclude that there is no necessity for the repeal of the tax law or amendment of the law setting aside a portion of the revenue for public free schools for the next two years, as we are fully able to maintain them upon their present footing for that time, at least without increasing the rate of taxation or incurring even the possibility of a deficiency; and under this condition of things the action proposed would not only be a work of supererogation but show a disposition to make war upon the system, which must, in its effects, be deleterious to its efficiency.

The language of the constitution, we also claim, contemplates and directs the establishment and maintenance of a fixed and efficient system of public free schools, recognizing it not as of secondary importance, but as an important and necessary arm of the government, "essential to the preservation of the liberties and rights of the people," and therefore not only permanent and efficient, but also as a prerequisite to its efficiency, fully defined by statutory enactments as to its system and means of support. The constitution regards the public free schools as the loved and lawful child of the state, with certain and determined inheritance, and not the bantling of political finesse, fed or starved at the whim and caprice of each succeeding Legislature, or sacrificed at the dictates of political ambition.

Under these circumstances, we claim that affirmative action on this measure by this Legislature (where the question involved in it were not made issues before their constituents at the time of their election), would not only be unauthoritative but rash; when we consider that many of those urging the proposition are avowed by the opponents of public free schools *per se*.

Wherefore, believing, as we do, that this bill looks to the destruction, if not of the public free schools, at least of their availability and efficiency, and believing that this course of action would not only be contrary to the spirit and letter of our constitution, but at the same time antagonistic to the cause of liberty, civilization and humanity, we respectfully submit this our protest, and ask that this bill do not pass.

S. C. PATTON,  
CHAS. STEWART,  
A. W. HOUSTON,  
J. R. BURNETT,  
J. W. MOTLEY,  
W. M. BURTON.

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate:*

In view of the fact that a minority of your committee on education have this day made a report, signed by Messrs. Patton, Stewart and others, on Senate bill No. 5, entitled "An act to amend article 3704 and chapter 1, title 95 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879,"

in which it is stated that the comptroller has shown in an elaborate statement in answer to interrogatories propounded by the Senate, that at the end of the second fiscal year—charged to be March 1, 1881—there will be a balance in the state treasury of \$169,712, after paying one-fourth to the schools, we deem it proper to supplement our report, and to say:

That said comptroller's statement was published June 17, 1879, as a part of the sixth day's proceedings of this Senate. In referring to the receipts and disbursements, etc., of the fiscal year, which ends September, 1, 1881, (and not March 1, 1881), the said statement begins, viz:

"Estimates of receipts and disbursements from September 1, 1880, to August 31, 1881, (no deductions being made for school fund):

	*   *   *   *   *   *   *   *   *
Total receipts.....	\$1,654,500 00
Total disbursements (not including any of the general revenue for schools).....	1,283,989 00
Balance for schools .....	\$370,511 00

It may be seen from the above figures and report of the comptroller that he does not make the showing attributed to him; but that the minority may not be placed in an improper attitude, it is stated that their language may be construed to mean, that by modes of calculation which they regard as proper, but differing from that of the comptroller, they think that their conclusions are warranted.

The comptroller states that if no part of the general revenue is given to free schools for the two fiscal years, ending September 1, 1881, that there will only be on hand as the surplus of two years, \$370,511.

If this be true, how can it be supposed that he says or intends to say, that if one-fourth or nearly \$800,000 is given during the same time to schools, that on March 1, 1881 (six months before September 1, 1881) there will remain a surplus of \$169,712.

This would make him say that if he *did not pay* about \$800,000 he would have a surplus of \$370,511, but if he did pay \$800,000 he would still have a surplus of \$169,712.

The calculations of the minority is supposed to be made by estimating the receipts for the entire fiscal year ending September 1, 1881, and only counting disbursements up to the end of the appropriation made by this Legislature, to wit: March 1, 1881. Under this mode of calculation of supposed *surplus* would be made up, of money not to come into the treasury for six months to come, during which six months the expenses (which is not allowed by the minority) would read as stated by the comptroller \$602,726.

We may add that the calculations of the comptroller and his statement of surplus is made \$233,333 33 smaller, by reason of deducting that amount of sinking fund for past years, which has not been reserved out of the revenue, and his calculation supposes that it will be reserved and made good in the next two years. We do not think it wise under the circumstances to do this; for by not doing so, we will be enabled to give to the schools for each of the two ensuing years about one-sixteenth of the general revenue, without creating deficiencies or imposing higher tax, both of which we desire to avoid; at the same time, we desire to give as much to make our free school system efficient as can be spared after leaving the revenue in a condition that we "can pay as we go."

LEDBETTER, *Chairman.*

Senator Ledbetter, chairman of committee on education, asked leave to submit a supplemental report on this bill.

The bill just reported from the committee was read first time.

Senator Ledbetter, chairman of committee on educational affairs, submitted the following reports:

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on education, to whom was referred Senate bill No. 39, "An act to amend an act to provide for the organization and support of a normal school at Prairie View, formerly called Alta Vista, in Waller county, for the preparation and training of colored teachers," have had the same under consideration, and I am instructed by a majority of the committee to report it back to the Senate and recommend its passage.

LEDBETTER, *Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on educational affairs, to whom was referred House bill No. 14, entitled "An act supplementary to an act entitled 'an act to establish a state normal school,' approved April 21, 1879," having considered respectfully return the same and recommend its passage.

LEDBETTER, *Chairman.*

Bill read first time.

Senator McCulloch, chairman of committee on statistics, public health, etc., submitted the following report:

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on statistics of industry, public health and history of Texas, to whom was referred Senate bill No. 40, entitled "An act to establish a state board of health, to prescribe its powers and duties, to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health," have had the same under consideration, and after careful examination the committee have instructed me to report the aforesaid bill back and recommend its passage as amended.

McCULLOCH, *Chairman.*

Senator Hobby, chairman of committee on rules, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 18, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on revision of the rules, to whom was referred the accompanying resolution, have considered the same, and I am instructed by a majority of the committee to report it back, with the recommendation that it be adopted.

HOBBY, *Chairman.*

*Be it resolved,* That the Senate rules be amended by the addition of the following rule:

"No. 91a. When the previous question has been seconded, and a call of the Senate has been made, pending such call, and before the absentees have appeared, a motion to adjourn is in order."

Senator Hobby moved to postpone the consideration of the resolution until to-day week, and make it the special order for that time.

Senator Gooch moved to amend the motion so as to postpone the reso-

lution until to-morrow at 10 o'clock A. M., make it the special order for that time and from day to day until disposed of.

Senator Duncan made the point of order that discussion was out of order pending a motion to postpone to a day certain.

Overruled.

Senator Hobby accepted the amendment of Senator Gooch and the motion as amended was adopted.

Senator Grace offered the following resolution:

*Resolved*, That rule 96 of the rules of the Senate be amended in so far as to strike out the words "five senators" and insert the words, "by a majority of all the senators present;" and that the committee on rules be required to change all other rules of the Senate, so as to conform to this change in rule 96.

Referred to committee on rules.

Senator Edwards offered the following resolution:

*Resolved*, That the rules of the Senate be so amended as to permit the previous question when seconded to cut off a call of the Senate, and that in such case a majority of the Senate will be required to second the previous question.

Senator Storey introduced a bill entitled "An act to amend section 2 of an act entitled 'an act to provide for the printing, binding, and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure,' approved April 26, 1879."

Referred to judiciary committee No. 1.

Senator Burnett introduced a bill entitled "An act to fix, in favor of contractors, sub-contractors, and material men, liens on railroads for labor done thereon and material furnished therefor, and to provide for the speedy and efficient enforcement of said liens."

Referred to judiciary committee No. 2.

Senator Davenport offered the following resolution:

*Resolved*, That the president of the Senate is hereby authorized to appoint a general clerk, whose duty it shall be to do any and all clerical labor required of him by the president or by the Senators.

Lost by the following vote:

YEAS.			
Burton,	Houston,	Moore,	Shannon,
Davenport,	Lane,	Patton,	Storey,
Guy,	McCulloch,	Ripetoe,	Swain—13.
Homan,			

NAYS.			
Blassingame,	Edwards,	Hobby,	Motley,
Brown,	Ford,	Lair,	Street,
Buchanan,	Gooch,	Ledbetter,	Terrell,
Burnett,	Grace,	Martin,	Tilson—17.
Duncan,			

Not voting—Stewart.

Senator Swaine, chairman of the committee on penitentiaries, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on penitentiaries have had under consideration Senate bill No. 15, entitled "An act to amend section 60 of an act entitled 'an act to provide for the organization of the state penitentiaries and to



regulate the management of the convicts therein,' approved March 24, 1879," and recommend that all of the first section after the enacting clause be stricken out, and the amendment hereto attached be inserted in lieu thereof, and that as thus amended that the bill do pass.

SWAIN, *Chairman*.

The bill just reported read first time.

Senator Moore offered the following resolution:

*Resolved*, That the thanks of the Senate is due and are hereby tendered to President Gathright and the professors of the Agricultural and Mechanical College for their kind invitation extended to this body, to attend the exercises of said institution to take place on the twenty-second instant and following days.

*Resolved further*, That the great amount of important business required by us to be performed in a very limited space of time forbid us the pleasure of attending said exercises at this time, but hope that its efforts may be crowned with success, and that it may prove an honor to the state and a lasting benefit to the young and rising generation of the country.

Resolution taken up, read and adopted.

Senate bill No. 27, "to consolidate the supreme court at the capital," was read first time, and the following bills were also taken up and read first time.

Senate bill No. 28, "To consolidate the court of appeals at the capital;"

Senate bill No. 34, "To require the owners of surveys of land to pay the patent fee therefor before filing the field notes of same in general land office;"

Senate bill No. 35, "To require money collected on forfeited bail bonds and recognizances to be paid over to the state in certain cases;"

Senate bill No. 36, "To amend section 7 of 'an act to provide for the public printing, binding and stationery by contract,' approved June 24, 1878;"

Senate bill No. 37, "To create the thirty-third judicial district, and to provide for the appointment of a district judge;"

Senate bill No. 38, "Attaching certain unorganized counties to the county of Wheeler for judicial and other purposes."

Senator Shannon moved to suspend the rules and place Senate bill No. 37 on its second reading.

(Senator Houston in the chair.)

The rules were suspended by the following vote:

YEAS.

Blassingame.	Gooch,	Ledbetter,	Shannon,
Brown,	Grace.	Martin,	Stewart,
Buchanan,	Guy,	McCulloch,	Storey,
Burnett,	Hobby.	Moore,	Street,
Burton,	Homan.	Motley,	Swain,
Davenport.	Houston.	Patton,	Terrell,
Duncan,	Lair	Ripetoe,	Tilson - 30.
Edwards,	Lane.		

NAYS—none.

Not voting—Ford.

Bill read second time.

On motion of Senator Ledbetter, the Senate took a recess of fifteen minutes.

Recess expired. Senate reconvened. President in the chair.

On motion of Senator Shannon, the pending bill was postponed until

Monday next at 10 o'clock A. M., made the special order for that time, and from day to day until disposed of.

Senator Storey, chairman of committee on finance, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 19, 1879.

*Hon. J. D. Sayers, President of the Senate :*

Your finance committee have had under consideration Senate bill No. 9, entitled "An act supplemental to and amendatory of an act entitled 'an act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881, approved April 23, 1879,'" and I am instructed by the committee to submit as a substitute therefor the accompanying bill with the same caption, containing all the appropriations deemed necessary to be placed in the general appropriation act as reported to us by the comptroller's report and governor's message, except the amounts asked for by the several asylums whose demands are now being investigated by sub-committees, and can be added if deemed advisable at some future day in the session.

The only item contained in the bill about which there seems to be any controversy is—

First—The sinking fund provided for in the bill to retire and eventually pay off and take up the interest-bearing debt of the state; and,

Second—The amount appropriated out of the general revenues of the state for the support of public free schools.

In regard to the sinking fund we have to say that the constitution in section 48, article 3, and section 9, article 8, seems to contemplate that the Legislature shall provide an annual sinking fund of not more than two per cent. of the principal, "to pay the public debt," and if deemed by the Legislature expedient, it may levy a special tax for this purpose in addition to the fifty cents tax on the one hundred dollars' worth of property for ordinary purposes.

Again, the laws providing for the issuing of every outstanding bond of this state from 1870 down to the present date, except perhaps the pension bonds, require that two per cent. of the principal of these bonds shall be set aside annually as a sinking fund to retire and finally pay off the debt. It is believed that these are wise provisions in the constitution and the law, and that it is sound policy and true statesmanship to strictly observe them, to the end that the tax-ridden people of Texas may as soon as possible get rid of the debt without increasing the rate of taxation, and at the same time preserve the credit of the state by carrying out in good faith the contract with the creditor written in the law and on the face of each bond, to provide an annual sinking fund with which to pay the principal of the bond.

Again, it is peculiarly desirable at this time that we should carry out this contract to the letter, as it is believed that we will be better enabled to put the necessary bonds upon the market provided for at the regular session of this Legislature, bearing only five per cent. interest, to take up our present outstanding ten per cent. bonds, and which will mature in July next. If we can sell these five per cent. bonds and pay off at once all ten per cent. bonds, as we have a right to do after the first day of July, we will thereby save to the state about \$52,000 per annum in interest. Your committee fear if we refuse to appropriate the sinking fund required under the contract, that our bonds will go down and we may fail to sell them at par.

Second—On the appropriation for public free schools, we beg to say that, in the judgment of your committee we cannot without increasing the public debt appropriate more than about one-sixth of the general revenues for that purpose without again creating a deficit in the revenues, and to that extent increase the public debt as we have been doing for many years.

But while we are compelled to decrease the amount of the appropriation for school purposes out of the general revenues, we are glad to be able to say that the available fund derived annually from the poll tax and the interest derived from the sale of school lands and the interest on bonds belonging to the school fund is gradually increasing. It will be remembered that there was appropriated and used for school purposes for the year ending August 31, 1879, \$900,000, made up of the following items:

1. There was a balance on hand and brought over from the year 1878.....	\$240,000
2. Interest derived from the sale of school lands and interest on bonds belonging to school fund.....	150,000
3. Poll tax belonging to that fund.....	125,000
4. One-fourth of the general revenues.....	385,000
Total.....	\$900,000

We remark here, but for the carrying over of the \$240,000 from 1878, which had elapsed and did not belong to the school fund, the amount that could have been legally used for the year ending August 31, 1879, would have been only \$660,000.

It is believed that under a proper construction of the law, there can be no balance of the general revenue appropriated for school purposes carried over to another year, nor are we advised that there will be any balance on hand on the thirty-first of August next, but that the available fund will be for the year ending August 31, 1880.

1. Interest on bonds and sale of school lands.....	\$184,124 80
2. Poll tax.....	125,000 00
To which this bill adds one-sixth of the general revenue...	275,833 33

Total school fund..... \$584,958 13

It will be remembered that the comptroller's report made to the Senate on the ..... day of this month, shows that there will be a deficit in the revenues at the end of the fiscal year August 31, 1880, without appropriating a single dollar for school purposes, of \$46,903 70. If we add to this the above amount appropriated for school purposes of \$275,833 33, we will have a deficit of \$322,737 03, August 31, 1880, and a consequent increase of the public debt to that amount at the end of the present fiscal year.

It is thought best by your committee to make the above appropriation of about one-sixth, and carry over a portion of the floating debt to the year 1881, and to provide for paying off all this floating debt and to run the government within the revenues for 1881.

The aforesaid report of the comptroller shows that without making any appropriation for school purposes out of the general revenues for 1880 and 1881, there will be at the close of the fiscal year, August 31, 1881, cash on hand only \$370,511. If we make the appropriation of the

one-sixth of the revenues for each year total \$551,666 66, there will be cash on hand August 31, 1881, only \$18,884 34. This is believed to be an exceeding small margin when it is remembered that the necessary expenditures to enforce the criminal laws of this state has increased fifty per cent. within the last twelve months; and, further, the stringency of the times and the prevalence of the most extensive drouth ever known in Texas, justifies the fear that the taxable values of the state which decreased during the year 1877 \$15,733,841, when we had good crops, will decrease during the present year from twenty to twenty-five millions of dollars.

The outlook, therefore, for an increase of revenues is not believed to be flattering.

The appropriation made for the support of public schools for the scholastic year ending August 31, 1881, is made to February 28, 1881, six months of the time, and amounts to:

Interest .....	\$92,062 40
Poll tax .....	125,000 00
One-sixth of the revenue for 1881 .....	275,750 00

Total .....	\$492,812 40
-------------	--------------

Which leaves the next Legislature, which meets in January, 1881, to increase the appropriation by the \$92,062 40, interest accruing July 1, 1881, and to add an additional appropriation of one-twelfth from the general revenues if found to be expedient.

To the end, therefore, that the interest upon the public debt accruing up to the assembling of the next Legislature may be paid, and that the sinking fund may be at once provided for, and "that the current expenditures may be confined within the current revenues," I am instructed by a majority of the committee to recommend the immediate passage of this act. Respectfully submitted.

STOREY, *Chairman.*

Senator Edwards offered the following resolution:

WHEREAS, It appears from the records of the comptroller of public accounts that some of the accounts of clerks, sheriffs, district and county attorneys, for fees paid by the state, approved by the district judges, are very extravagant and exorbitant; and

Whereas, There is good reason to believe that some of said accounts have been allowed and paid more than once; and

Whereas, It is the duty of the district judges to examine carefully all such accounts and approve them, and said approval creates a binding debt against the state, and it is believed that serious injury has been done to the state by the reckless and careless manner in which it is asserted that these accounts have been allowed; and

Whereas, It is but just to the state and district judges alike that this matter should be investigated; therefore be it

*Resolved by the Senate of the State of Texas,* That a committee of three senators be appointed, who shall proceed to investigate the records of the comptroller's office and ascertain if there has been any such careless or reckless action on the part of the several district judges of this state, and report the same to this Senate, and for this purpose said committee shall have power to send for persons and papers and administer oaths.

Adopted, and Senators Edwards, Grace and Houston appointed on said committee.

Senator Storey called up Senate bill No. 9, entitled "An act supplemental to and amendatory of an act entitled 'an act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881,' approved April 23, 1879," and moved that 100 copies of the bill be printed.

Senator Gooch moved to amend by adding "by 9 o'clock to-morrow." Accepted, and the motion as amended adopted.

Senator Burton offered the following resolution:

WHEREAS, This is the nineteenth day of June, the fourteenth anniversary of the emancipation of slaves in the United States, and

Whereas, A large number of citizens, including members of the Legislature, desire to participate in the celebration of the day; therefore be it

*Resolved*, That the Senate stand adjourned until to-morrow, June 20, at 9 o'clock A. M.

Carried, by the following vote:

YEAS.			
Blassingame,	Ford,	Lair,	Patton,
Brown,	Gooch,	Lane,	Ripetoe,
Burnett,	Grace,	Ledbetter,	Shannon,
Burton,	Guy,	Martin,	Stewart,
Davenport,	Hobby,	McCulloch,	Tilson—23.
Edwards,	Houston,	Moore,	

NAYS.		
Story,	Street,	Terrell—3.
Not voting—Buchanan, Duncan, Homan, Motley, Swain.		

### TENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 20, 1879. }

The Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Houston, the reading of the journals of yesterday was dispensed with and the same adopted.

Senator Terrell presented the memorial of George W. Sampson, president of the Capital State Fair, "Asking a change in the tax law passed at the regular session of this Legislature, imposing a tax on horse racing," so as to exempt from the operation of said provision associations like the one he represents, or such as encourage racing, not for the purpose of betting, but for the purpose of encouraging the importation of thoroughbred stock into the state, and stating that in a great stock raising state like Texas, it is extremely impolitic to place restrictions on the introduction and running of thoroughbred stock in the state, etc.

Resolution ordered to lie on the table until called up for action.

Senator Lair presented the petition of several merchants, lawyers, bankers and others of Collin county, asking a repeal of the occupation tax."

Referred to committee on finance.

Senator Guy, chairman of committee on general land office, submitted the following reports: